

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 13646 Permit 8156 License 7218

**ORDER ALLOWING CHANGE IN POINT OF DIVERSION
AND AMENDING THE LICENSE**

WHEREAS:

1. License 7218 was issued to Helen K. Dixon, Carolyn Knox Greene, and Marilyn Knox Larson and was recorded with the County Recorder of Sutter County on March 31, 1965 in Book 670, Page 597.
2. License 7218 was subsequently assigned to Lee W. Richter, Mary Ruth Richter, Amelia Richter, and Henry D. Richter, Jr.
3. A petition for change in point of diversion, has been filed with the State Water Resources Control Board (SWRCB) and said SWRCB has determined that good cause for such change has been shown.
4. The SWRCB has determined that the requested change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. The Department of Fish and Game, in response to the SWRCB request for consultation pursuant to the California Endangered Species Act, indicated fish screens would be required for this change in order to protect the State listed endangered winter-run Chinook Salmon.
6. The license condition pertaining to the SWRCB's continuing authority is to be replaced with the current version to conform with Section 780(a), Title 23, California Code of Regulations.

3

NOW, THEREFORE, IT IS ORDERED THAT:

1. The point of diversion under this license shall be as follows:

South 0° 10' East 1,240 feet from N¼ corner of Section 13, T11N, R2E, MDB&M, being within the NW¼ of NE¼ of said Section 13. Also described by California Coordinate System, Zone 2, N 413,800 and E 2,084,900.

2. The license condition pertaining to the SWRCB's continuing authority is amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to:

- (1) reusing or reclaiming the water allocated;
- (2) using water reclaimed by another entity instead of all or part of the water allocated;
- (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow;
- (4) suppressing evaporation losses from water surfaces;
- (5) controlling phreatophytic growth; and
- (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project.

No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

3. Condition requiring fish screens is added to this license as follows:

For the protection of fish life, the licensee, within two years of issuance of this order, shall install and maintain fish screens on the diversion pump used to convey water to the place of use. Prior to installation, the Division of Water Rights must receive written approval from the Department of Fish and Game certifying that fish screen plans conform to Department of Fish and Game standards.

Dated: JULY 15 1995



61 Edward C. Anton, Chief
Division of Water Rights



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 13646

PERMIT 8156

LICENSE 7218

Helen K. Dixon, Carolyn Knox Greene, and Marilyn Knox
950 Creston Road
Berkeley 8, California

Larson

THIS IS TO CERTIFY, That

Notice of Change (Over)

have made proof as of June 17, 1963,
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
Sacramento River in Sutter County

tributary to Suisun Bay

for the purpose of irrigation use
under Permit 8156 of the State Water Rights Board and that said right to the use of said water has been
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the
terms of the said permit; that the priority of the right herein confirmed dates from March 22, 1950,
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed one and three-tenths (1.3)
cubic feet per second to be diverted from about June 1 to about September 1 of
each year.

The equivalent of such continuous flow allowance for any thirty-day period may
be diverted in a shorter time if there be no interference with other vested rights.

The point of diversion of such water is located :

South sixty-nine degrees six minutes seven seconds west (S69° 06' 07"W) three
thousand nine hundred thirty-four (3934) feet from NE corner of Section 13, T11N,
R2E, MDB&M, being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 13.

A description of the lands or the place where such water is put to beneficial use is as follows:

35 acres within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, T11N, R2E, MDB&M
40 acres within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, T11N, R2E, MDB&M
11 acres within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, T11N, R2E, MDB&M
17 acres within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, T11N, R2E, MDB&M
103 acres total.

This license is specifically subject to prior rights of the United States to
divert from the Sacramento River in furtherance of the Central Valley Project.

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time
to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein
specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

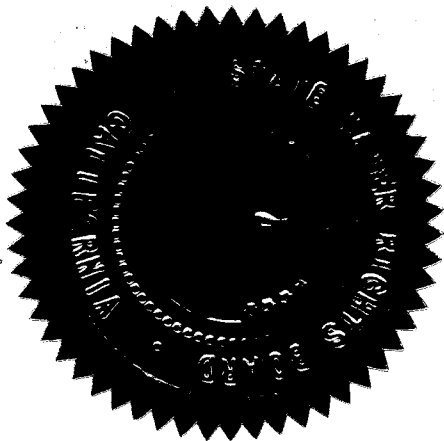
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: MAR 30 1965



L. K. Hill
L. K. Hill
Executive Officer

12-31-74 RECEIVED NOTICE OF ASSIGNMENT TO *Lee W. + Mary Ruth Richter*
+ Amelia + Henry D. Richter Jr.

LICENSE 7218
STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

Helen K. Dixon, Carolyn Knox Greene,
ISSUED TO and Marilyn Knox Larson

MAR 30 1965

DATED

47689 8-51 3M ① SPO

DEC 18 '64 C.H.D.